



CITY OF
TUCSON

DEPARTMENT OF
URBAN
PLANNING &
DESIGN

May 10, 2007

To: Subscriber to the Tucson *Land Use Code (LUC)*

SUBJECT: SUPPLEMENT NO. 40 TO THE LAND USE CODE (LUC)

Dear Subscriber:

Enclosed is Supplement No. 40 to your copy of the City of Tucson *Land Use Code (LUC)*. An explanation of the revisions included in this Supplement is also enclosed.

This Supplement includes Ordinance No. 10387 C-1 Zone Food Service and Liquor Code Amendment, adopted by the Mayor and Council on April 10, 2007. In addition, some minor formatting errors have been corrected.

Please recycle and replace pages in your *LUC* as follows.

<i>Article II. Zones</i>		
<i>Item</i>	<i>Remove Old Pages</i>	<i>Insert New Pages</i>
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<i>Article III. Performance Criteria</i>		
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Please insert and maintain this instruction sheet in the front of your copy of the *LUC*.

Should you have any questions while replacing these pages, please call me at 791-4505.

Sincerely,

Ramona Williams
Secretary

/s/luc/supltr40.doc

Enclosures: Summary of Amendment
 Supplement No. 40

TUCSON LAND USE CODE (LUC) - SUPPLEMENT NO. 40

SUMMARY OF AMENDMENT

ORDINANCE NO. 10387

ORDINANCE NO. 10387 (Adopted on April 10,2007)

The adopted LUC amendment includes the following:

Chapter 23, *Land Use Code* (LUC) Article II, Zones; Division 5, Commercial Zones, Section 2.5.3.3, Special Exception Land Uses, and Section 2.5.3.4, Secondary Land Uses; Article III, Development Regulations, Division 5, Performance Criteria, Section 3.5.4.7, Sale of Spirituous Liquor in conjunction with Food Service Use; Article VI, Definitions, Division 2, Listing of words and terms, Section 6.2.18, Definitions- R, Restaurant; The adopted amendment includes the following; Restaurants serving alcoholic beverages that are located in the C-1 zone and within 300 feet of a residential zone. The adopted amendments require the submittal of a mitigation plan and public notice, review and comment prior to obtaining approval. In addition, the adopted amendment provides for the suspension or termination of the use if the terms of the mitigation plan are violated. The amendment also eliminates conflicts between the Land Use Code and Title 4 of the Arizona Revised Statutes that regulate restaurants serving alcoholic beverages.

7. Residential Care Services: Rehabilitation Service or Shelter Care "[29](#)", subject to: Sec. [3.5.7.8.A](#), .C.4, .D, .F, and .H (no minimum lot size)

F. Storage Use Group, Sec. [6.3.11](#)

1. Personal Storage "38", subject to: Sec. [3.5.10.3](#)

2.5.3.3 Special Exception Land Uses. The following Land Use Classes are not permitted within this zone, unless approved through the special approval procedure noted for the Land Use Class, and are subject to any additional conditions listed. The number or letter in quotation marks following the Land Use Class refers to the Development Designator provisions of Sec. [3.2.3](#). For further information concerning Special Exception Land Use applicability, refer to Sec. [5.3.9](#). (Ord. No. 8653, §1, 2/26/96)

A. Commercial Services Use Group, Sec. [6.3.5](#)

1. Reserved. (Ord. No. 8666, §1, 3/25/96; Ord. No. 9967, §2, 7/1/04; Ord. No. 10387, §1, 4/10/07)
2. Alcoholic Beverage Service "[28](#)", as a Secondary Land Use to Travelers' Accommodation, Lodging, subject to: Sec. [3.5.4.17.B](#), .D, .G, .H, .I, and .K; Sec. [3.5.4.19.C](#); and approval through a Zoning Examiner Full Notice Procedure, Sec. 23A-50 and 23A-53. (Ord. No. 8666, §1, 3/25/96; Ord. No. 9967, §2, 7/1/04)
3. Automotive - Minor Service and Repair "[28](#)", subject to: Sec. [3.5.4.2.B](#), .C, .D, and .E and approval through a Zoning Examiner Full Notice Procedure, Sec. 23A-50 and 23A-53. (Ord. No. 9967, §2, 7/1/04)
4. Communications "[8](#)", limited to wireless communication towers and antennae, subject to: Sec. [3.5.4.20.B](#), .C, and .E.2, or Sec. [3.5.4.20.B](#), .C, and .F.1, or Sec. [3.5.4.20.B](#), .C, and .G (Ord. No. 8813, §1, 3/3/97)
5. Medical Service - Outpatient, limited to blood donor center, "[28](#)", subject to: Sec. [3.5.4.8.C](#) and approval through a Zoning Examiner Legislative Procedure, Sec. [5.4.1](#) and Sec. [5.4.3](#). (Ord. No. 8582, §1, 9/25/95; Ord. No. 9967, §2, 7/1/04)

(Ord. No. 8666, §1, 3/25/96)

B. Residential Use Group, Sec. [6.3.8](#)

1. Residential Care Services: Rehabilitation Service or Shelter Care "[29](#)", subject to: Sec. [3.5.7.8.A](#), .C.4, .D, and .H (no minimum lot size) and approval through a Zoning Examiner Full Notice Procedure, Sec. 23A-50 and 23A-53. (Ord. No. 9967, §2, 7/1/04)

C. Utilities Use Group, Sec. [6.3.12](#)

1. Distribution System "[12](#)", subject to: Sec. [3.5.11.1.A](#), .E, and .I and approval through a Zoning Examiner Full Notice Procedure, Sec. 23A-50 and 23A-53. (Ord. No. 9967, §2, 7/1/04)

D. Civic Use Group, Sec. [6.3.4](#)

1. Educational Use: Elementary and Secondary Schools "[28](#)", subject to: Sec. [3.5.13.5](#) and approval through a Zoning Examiner Full Notice Procedure, Sec. 23A-50 and Sec. 23A-53. (Ord. No. 9967, §2, 7/1/04)

(Ord. No. 9075, §1, 6/15/98; Ord. No. 10387, §1, 4/10/07)

E. Retail Trade Use Group, Sec. [6.3.10](#)

1. Food and Beverage Sales - Large Retail Establishment "[28](#)", subject to: Sec. [3.5.9.7](#) and approval through a Zoning Examiner Legislative Procedure, Sec. [5.4.1](#) and Sec. [5.4.3](#). (Ord. No. 9967, §2, 7/1/04)
2. General Merchandise Sales - Large Retail Establishment "[28](#)", subject to: Sec. [3.5.9.7](#) and approval through a Zoning Examiner Legislative Procedure, Sec. [5.4.1](#) and Sec. [5.4.3](#). (Ord. No. 9967, §2, 7/1/04)

(Ord. No. 9293, §1, 9/27/99)

F. Industrial Use Group, Sec. [6.3.6](#)

1. Perishable Goods Manufacturing "[28](#)", as a Secondary Land Use to Food Service, subject to: Sec. [3.5.5.2](#).F, .G, and .H and approval through a Zoning Examiner Full Notice Procedure, Sec. 23A-50 and Sec. 23A-53. (Ord. No. 9967, §2, 7/1/04)
2. Salvaging and Recycling, limited to household goods donation center, "[28](#)", subject to: Sec. [3.5.5.6](#).B, .F, .G, .H, .I, .J, .K, and .L; Sec. [3.5.13.1](#).B; Sec. [3.5.13.2](#); Sec. [3.5.13.3](#); Sec. [3.5.13.4](#); and approval through a Zoning Examiner Full Notice Procedure, Sec. 23A-50 and Sec. 23A-53. (Ord. No. 9915, §4, 11/24/03; Ord. No. 9967, §2, 7/1/04)

(Ord. No. 9634, §1, 12/10/01)

2.5.3.4 Secondary Land Uses. The following Land Use Classes are permitted within this zone as Secondary Land Uses, subject to the requirements of Sec. [3.2.4](#) and to any additional requirements listed with the use. (Ord. No. 8653, §1, 2/26/96)

- A. Alcoholic Beverage Service is permitted as a Secondary Land Use to Food Service, subject to: Sec. [3.5.4.7](#).A, .C, .F, .H, .I, .J and .K and Sec. [3.5.4.19](#).C. (Ord. No. 8666, §1, 3/25/96; Ord. No. 10387, §1, 4/10/07)
- B. Automotive - Minor Service and Repair is permitted as a Secondary Land Use to General Merchandise Sales (of automotive fuel), subject to: Sec. [3.5.4.2](#).G.
- C. Home Occupations are permitted as Secondary Land Uses to Family Dwelling.
 1. Home Occupation: General Application, subject to: Sec. [3.5.7.2](#)
 2. Home Occupation: Day Care, subject to: Sec. [3.5.7.3](#)
- D. The following are permitted as Secondary Land Uses to Religious Use.
 1. Civic Use Group, Sec. [6.3.4](#)
 - a. Cemetery, subject to: Sec. [3.5.3.1](#).D
 2. Industrial Use Group, Sec. [6.3.6](#)
 - a. Salvaging and Recycling, subject to: Sec. [3.5.5.6](#).A and .C (Ord. No. 9915, §4, 11/24/03)
- E. Hazardous Material Storage is permitted as a Secondary Land Use to a Permitted Land Use, subject to: Sec. [3.5.10.2](#).A and .B.1.
- F. The following is permitted as a Secondary Land Use to Educational Use.

(Ord. No. 8653, §1, 2/26/96)

- B. No dancing is allowed, and no drive-in or drive-through restaurants are allowed.
- C. Soup kitchens are not allowed.
- D. Soup kitchens shall comply with the following criteria.
 - 1. The use shall be conducted within a completely enclosed building.
 - 2. Seating is provided at one hundred (100) percent of the meal service capacity.
 - 3. A waiting area shall be provided within the building for a minimum of one-half (1/2) of the total number of persons to be served.
 - 4. Public rest rooms are provided.
 - 5. No other soup kitchen use is located within one (1) mile.

3.5.4.7 Sale of Spirituous Liquor in Conjunction with Food Service Use.

- A. The Food Service establishment provides regular meal service at regularly available tables during all hours of operation or until 10:00 PM to guests for compensation. The establishment must have kitchen facilities for keeping, cooking, and preparing foods for meals. (Ord. No. 10387 §2, 4/10/07)
- B. The Food Service establishment has seventy-five (75) seats or more for the serving of meals at regularly available tables for all hours of operation. Seating at counters, in private banquet rooms, and outdoor seating shall not count toward the minimum seventy-five (75) seat requirement.
- C. The Food Service establishment may serve alcoholic beverages with meals; however, an area separate from the Food Service use shall not be provided with tables, counter areas, and/or booths for persons to sit at primarily for service of alcoholic beverages operating as an Alcoholic Beverage Service establishment, unless:
 - 1. The Food Service establishment has seventy-five (75) seats or more for the serving of meals at tables (seating at counters, in banquet rooms, and outdoor seating shall not count toward the seventy-five [75] seat requirement) which are available at all hours of operation; and
 - 2. The Alcoholic Beverage Service area does not exceed, in size, twenty-five (25) percent of the Food Service floor area, including any Food Service outdoor area; and
 - 3. The Alcoholic Beverage Service area does not have an outside public entrance separate from the main entrance to the Food Service use.
- D. The Food Service establishment may serve, in addition to beer and wine, other alcoholic beverages.
- E. Reserved. (Ord. No. 10387, §2, 4/10/07)
- F. A Food Service use with more than seventy-five (75) seats for the serving of meals at tables which are available at all hours of operation may have a dance floor, provided such dance floor is not larger than two hundred (200) square feet. Seating at counters, in banquet rooms, and outdoor seating shall not count toward the seventy-five (75) seat requirement.
- G. Reserved. (Ord. No. 10387, §2, 4/10/07)
- H. Signs are not permitted in or on a window or on the exterior of any building or structure within the project that is visible from a public street or adjacent residentially zoned property identifying or advertising the Alcoholic Beverage Service use or the sale of spirituous liquors.

- I. Alcoholic beverages shall not be provided with drive-in or drive-through services.
- J. Alcoholic Beverage Service may be provided outdoors if the outdoor area is a minimum of one hundred (100) feet from residentially zoned property excluding public right-of-way, or is separated by a building from adjacent residentially zoned property. If the use is within six hundred (600) feet of a residential zone, no loudspeakers or music, live or recorded, is permitted. (Ord. No. 10387, §2, 4/10/07)
- K. A Food Service establishment that is located within 300 feet of a residential zone, excluding public right-of-way, measured in a straight line from the licensed premises to the zone boundary line of R-3 or more restrictive zoning may serve alcoholic beverages upon conformance with the following conditions:
 - 1. The applicant is required to submit a mitigation plan to the Development Services Director, which will be reviewed in accordance with T.C. Sec. 23A-50 and 23A-51. The mitigation plan shall specifically address noise from the use, including parking lot noise, screening of lighting from vehicle headlights and light standards on site, parking, and access to adjacent neighborhoods, but shall not address issues which are the purview of the Arizona Department of Liquor Licenses and Control, such as the number of liquor licenses in the area or the hours of liquor sales.
 - 2. If the use is operated in a manner that violates the mitigation plan or conditions for permitting the use or causes adverse land use impacts, the use may be suspended or terminated in accordance with T.C. Sec. 23A-54. (Ord. No. 8666, §1, 3/25/96; Ord. No. 10387, §2, 4/10/07)

3.5.4.8 Medical Service.

- A. The use will provide a minimum of one (1) off-street loading space or the number of spaces required per Article III, Division 4, whichever is greater.
- B. Blood donor centers are not allowed.
- C. Blood donor centers shall comply with the following criteria.
 - 1. The site is not located in the same block as a residential zone or any elementary or secondary school or Day Care use.
 - 2. The site is located at least three hundred (300) feet, measured in a straight line, from the property line to a residential zone boundary line or the property line of an elementary or secondary school.
 - 3. A waiting area equal to ten (10) percent of the gross floor area is provided.
 - 4. No other blood donor center is located within twelve hundred (1,200) feet.

3.5.4.9 Medical Service in Residential and Office Zones Criteria.

- A. The facility fronts on a street on the Major Streets and Routes (MS&R) Plan or on a residential street, provided:
 - 1. The residential street intersects a street on the MS&R Plan, and
 - 2. The property is within one hundred fifty (150) feet of a street on the MS&R Plan, measured along the residential street.
- B. Minimum Setbacks.
 - 1. A minimum building setback of twenty (20) feet from any interior lot line adjoining residential zoning is required.

Rehabilitation Service. See Sec. 6.3.8.5, Residential Care Services.

Rental Unit. One (1) or more rooms in a Travelers' Accommodation, Lodging, facility designed for occupancy by one (1) or more persons for compensation.

Replat. Same as Resubdivision.

Residential Care Services. See Sec. 6.3.8.5.

Resource Corridor. As applicable in Sec. 2.8.6, Environmental Resource Zone (ERZ), An area running approximately parallel to the sides and banks of designated washes defined and characterized by the location of critical riparian habitat associated with the wash, plus an area of one hundred fifty (150) feet from the edge of the critical riparian habitat on each side of the wash.

Restaurant. A Food Service use. A restaurant by any other name, such as, but not limited to, coffee shop, cafeteria, fast food restaurant, or diner, shall be regulated as a restaurant. To differentiate between a restaurant which serves alcoholic beverages and a bar which serves food, a restaurant meets the following criteria.

- A. Provides meals suitable to hours of operation (i.e., breakfast in the morning, lunch in the afternoon, etc.).
- B. The full kitchen remains open and meals are available to patrons during all hours of operation or until ten o'clock (10:00 PM) (Ord. No. 10387, §3, 4/10/07)
- C. Management cannot ask for age verification (carding) for admittance to the establishment.
- D. Management cannot restrict patronage by age or sex (i.e., Ladies Night, Over 21, etc.) except for limited special services or events within certain limited areas of the establishment.
- E. A cover charge cannot be required for general admittance, except for special services or events offered within certain areas of the establishment.
- F. Management must maintain a minimum amount of table seating at all times and not have tables removed to create a dance floor or set aside major sections of the establishment for special events.
- G. The gross revenue sale of food complies with A.R.S. § 4-205.02(G)(2) (Ord. No. 8666, §1, 3/25/96; Ord. No. 10387 §3, 4/10/07)

Resubdivision. The redefining of lots, streets, or both within a recorded subdivision plat through the recordation of a new subdivision plat.

Retail Establishment, Large. A retail establishment (General Merchandise Sales), a retail grocery establishment (Food and Beverage Sales), or an establishment with a combination of both uses, comprised of more than one hundred thousand (100,000) square feet of floor area, which includes gross floor area, outdoor storage areas, and any outside area which provides associated services to the public, such as, but not limited to, outdoor merchandise display, snack bars, etc. The floor area does not include motor vehicle parking or loading areas.

For the purposes of determining the applicability of the one hundred thousand (100,000) square foot floor area maximum, the aggregate square footage of all adjacent stores, which share checkstands, management, a controlling ownership interest, and storage areas, shall be considered one establishment, e.g., a plant nursery associated with a general merchandise store, such as a home improvement store.

(Ord. No. 9293, §1, 9/27/99)

Revegetation. Establishment of plants at a density similar to what exists under similar topographic and soil conditions.

Rezone. To change the zoning classification of land.

Rhythm. As used in Sec. 2.8.8, Historic Preservation Zone (HPZ), the ordered recurrent alternation of solids to voids in the facade and streetscape.

Ridge (when used in relation to natural terrain). A relatively narrow elevation which is prominent on account of the steep angle at which it rises; an elongated crest or series of crests, with or without peaks, significantly higher than the adjoining ground.

Ridge Line. A ground line located at the highest elevation of the ridge running parallel to the long axis of the ridge.

Right-of-Way. An area reserved for a public or private use, such as, but not limited to, street or alley rights-of-way and utility easements.

APPENDIX 1

Checklist of Up-to-Date Pages

The following listing is included in this Code as a guide for the user to determine whether the Code volume properly reflects the latest print of each page.

In the first column, all page numbers are listed in sequence. The second column reflects the latest printing of the pages as they should appear in an up-to-date volume. When a page has been reprinted or printed as part of the supplement service, this column reflects the Supplement Number which is printed on the bottom of the page.

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